

# **EXHIBIT A**



Date: 09/14/2010

[Signature]  
Kailash Gobindram

Date: 09/14/2010

[Signature]  
Lucky Lance Gobindram

Date: 9/14/10

[Signature]  
Ashwin Gobindram

Date: 09/14/2010

J. Helson

Jacqueline Melson

Date: 09/14/2010



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CHRISTINE CLOVER AND STEPHANIE  
CORTES, on behalf of themselves  
and other similarly situated current and former  
employees of defendants,

10-CV-1702 (RPP)

Plaintiffs,

-against-

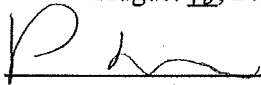
STIPULATED ORDER OF DISMISSAL

SHIVA REALTY OF MULBERRY, INC.,  
SHIVA DONUTS OF MAIDEN LANE, INC.,  
SHIVE REALTY OF FULTON, INC.,  
GOBINDRAM D/D IRREVOCABLE FAMILY  
TRUST, KAILASH GOBINDRAM, LUCKY  
LANCE GOBINDRAM, ASHWIN GOBINDRAM  
And JACQUELINE MELSON,

Defendants.  
-----X

IT IS HEREBY STIPULATED that this action has been discontinued and dismissed with  
prejudice. This Stipulation may be filed with the Court without further notice to any party.

Dated: New York, New York  
August 18, 2010

  
\_\_\_\_\_  
Bruce E. Menken, Esq.  
Berenbaum Menken LLP  
Attorneys for Plaintiffs  
80 Pine Street  
New York, NY 10005  
(212) 509-1616

\_\_\_\_\_  
Joseph M. Labuda, Esq.  
Milman Labuda Law Group PLLC  
Attorneys for Defendants  
3000 Marcus Avenue, Suite 3W3  
Lake Success, NY 11042  
(516) 328-8899

So Ordered

\_\_\_\_\_  
Robert P. Patterson, U.S.D.J.

**POWER OF ATTORNEY—NEW YORK STATUTORY SHORT FORM**

**(a) CAUTION TO THE PRINCIPAL:** Your Power of Attorney is an important document. As the “principal,” you give the person whom you choose (your “agent”) authority to spend your money and sell or dispose of your property during your lifetime without telling you. You do not lose your authority to act even though you have given your agent similar authority.

When your agent exercises this authority, he or she must act according to any instructions you have provided or, where there are no specific instructions, in your best interest. “Important Information for the Agent” at the end of this document describes your agent’s responsibilities.

Your agent can act on your behalf only after signing the Power of Attorney before a notary public.

You can request information from your agent at any time. If you are revoking a prior Power of Attorney by executing this Power of Attorney, you

should provide written notice of the revocation to your prior agent(s) and to the financial institutions where your accounts are located.

You can revoke or terminate your Power of Attorney at any time for any reason as long as you are of sound mind. If you are no longer of sound mind, a court can remove an agent for acting improperly.

Your agent cannot make health care decisions for you. You may execute a “Health Care Proxy” to do this.

The law governing Powers of Attorney is contained in the New York General Obligations Law, Article 5, Title 15. This law is available at a law library, or online through the New York State Senate or Assembly websites, [www.senate.state.ny.us](http://www.senate.state.ny.us) or [www.assembly.state.ny.us](http://www.assembly.state.ny.us).

If there is anything about this document that you do not understand, you should ask a lawyer of your own choosing to explain it to you.

**(b) DESIGNATION OF AGENT(S):**

name and  
address of  
principal

I, Ashwin K. Gobindram, 7 Victoria Drive, Amityville, New York

hereby appoint:

name(s) and  
address(es)  
of agent(s)

Kailash Gobindram, 7 Victoria Drive, Amityville, New York

as my agent(s)

If you designate more than one agent above, they must act together unless you initial the statement below.

[ ] My agents may act SEPARATELY.

**(c) DESIGNATION OF SUCCESSOR AGENT(S): (OPTIONAL)**

name(s) and  
address(es)  
of successor  
agent(s)

If every agent designated above is unable or unwilling to serve, I appoint as my successor agent(s):

Lucky Lance K. Gobindram

Successor agents designated above must act together unless you initial the statement below.

[ ] My successor agents may act SEPARATELY.

**(d) This POWER OF ATTORNEY** shall not be affected by my subsequent incapacity unless I have stated otherwise below, under “Modifications.”

**(e) This POWER OF ATTORNEY REVOKES** any and all prior Powers of Attorney executed by me unless I have stated otherwise below, under “Modifications.”

If you are NOT revoking your prior Powers of Attorney, and if you are granting the same authority in two or more Powers of Attorney, you must also indicate under “Modifications” whether the agents given these powers are to act together or separately.

**(f) GRANT OF AUTHORITY:**

To grant your agent some or all of the authority below, either

(1) Initial the bracket at each authority you grant, or

(2) Write or type the letters for each authority you grant on the blank line at (P), and initial the bracket at (P). If you initial (P), you do not need to initial the other lines.

I grant authority to my agent(s) with respect to the following subjects as defined in sections 5-1502A through 5-1502N of the New York General Obligations Law:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> (A) real estate transactions;                              | <input type="checkbox"/> (K) health care billing and payment matters; records, reports, and statements;   |
| <input checked="" type="checkbox"/> (B) chattel and goods transactions;                        | <input type="checkbox"/> (L) retirement benefit transactions;   |
| <input type="checkbox"/> (C) bond, share, and commodity transactions;                          | <input checked="" type="checkbox"/> (M) tax matters;  |
| <input checked="" type="checkbox"/> (D) banking transactions;                                  | <input checked="" type="checkbox"/> (N) all other matters;  |
| <input checked="" type="checkbox"/> (E) business operating transactions;                       | <input type="checkbox"/> (O) full and unqualified authority to my agent(s) to delegate any or all of the foregoing powers to any person or persons whom my agent(s) select; |
| <input checked="" type="checkbox"/> (F) insurance transactions;                                | <input type="checkbox"/> (P) EACH of the matters identified by the following letters  |
| <input checked="" type="checkbox"/> (G) estate transactions;                                   |   |
| <input checked="" type="checkbox"/> (H) claims and litigation;                                 |   |
| <input type="checkbox"/> (I) personal and family maintenance;                                  |   |
| <input type="checkbox"/> (J) benefits from governmental programs or civil or military service; |   |

*You need not initial the other lines if you initial line (P).*

**(g) MODIFICATIONS: (OPTIONAL)**

In this section, you may make additional provisions, including language to limit or supplement authority granted to your agent.

However, you cannot use this Modifications section to grant your agent authority to make major gifts or changes to interests in your property. If you wish to grant your agent such authority, you MUST complete the Statutory Major Gifts Rider.

Grant authority with respect to Principals interest Shiva Donuts of Maiden, LLC; Shiva Realty of Fulton, LLC; and Shiva Realty of Mulberry, Inc., and Gobindram Family Irrevocable DD Trust, including Sale of assets.

*[Signature]*

**(h) MAJOR GIFTS AND OTHER TRANSFERS: STATUTORY MAJOR GIFTS RIDER: (OPTIONAL)**

In order to authorize your agent to make major gifts and other transfers of your property, you must initial the statement below and execute a Statutory Major Gifts Rider at the same time as this instrument.

Initialing the statement below by itself does not authorize your agent to make major gifts and other transfers. The preparation of the Statutory Major Gifts Rider should be supervised by a lawyer.

☐ (SMGR) I grant my agent authority to make major gifts and other transfers of my property, in accordance with the terms and conditions of the Statutory Major Gifts Rider that supplements this Power of Attorney.

**(i) DESIGNATION OF MONITOR(S): (OPTIONAL)** I wish to designate

whose address(es) is (are) N/A

*N/A [Signature]*

as monitor(s). Upon the request of the monitor(s), my agent(s) must provide the monitor(s) with a copy of the power of attorney and a record of all transactions done or made on my behalf. Third parties holding records of such transactions shall provide the records to the monitor(s) upon request.

**(j) COMPENSATION OF AGENT(S): (OPTIONAL)**

Your agent is entitled to be reimbursed from your assets for reasonable expenses incurred on your behalf. If you ALSO wish your agent(s) to be compensated from your assets for services rendered on your behalf, initial the statement below. If you wish to define "reasonable compensation," you may do so above, under "Modifications."

[ X ] My agent(s) shall be entitled to reasonable compensation for services rendered.

**(k) ACCEPTANCE BY THIRD PARTIES:** I agree to indemnify the third party for any claims that may arise against the third party because of reliance on this Power of Attorney. I understand that any termination of this Power of Attorney, whether the result of my revocation of the Power of Attorney or otherwise, is not effective as to a third party until the third party has actual notice or knowledge of the termination.

**(l) TERMINATION:** This Power of Attorney continues until I revoke it or it is terminated by my death or other event described in section 5-1511 of the General Obligations Law.

Section 5-1511 of the General Obligations Law describes the manner in which you may revoke your Power of Attorney, and the events which terminate the Power of Attorney.

**(m) SIGNATURE AND ACKNOWLEDGMENT:**

In Witness Whereof I have hereunto signed my name

PRINCIPAL signs here: →

20  


**ACKNOWLEDGMENT**

STATE OF NEW YORK

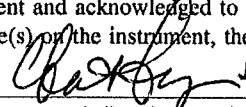
On August 16, 2010

COUNTY OF Nassau

before me, the undersigned, personally appeared

SS.:

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
(signature and office of person taking acknowledgment)

**CHARLES A. SINGER**  
Notary Public, State of New York  
No. 02SI4834150  
Qualified in Nassau County  
Commission Expires January 31, 2014

**(n) IMPORTANT INFORMATION FOR THE AGENT:**

When you accept the authority granted under this Power of Attorney, a special legal relationship is created between you and the principal. This relationship imposes on you legal responsibilities that continue until you resign or the Power of Attorney is terminated or revoked. You must:

(1) act according to any instructions from the principal, or, where there are no instructions, in the principal's best interest;

(2) avoid conflicts that would impair your ability to act in the principal's best interest;

(3) keep the principal's property separate and distinct from any assets you own or control, unless otherwise permitted by law;

(4) keep a record of all receipts, payments, and transactions conducted for the principal; and

(5) disclose your identity as an agent whenever you act for the principal by writing or printing the principal's name and signing your own name as "agent" in either of the following manner: (Principal's Name) by (Your Signature) as Agent, or (your signature) as Agent for (Principal's Name).

You may not use the principal's assets to benefit yourself or give major gifts to yourself or anyone else unless the principal has specifically

granted you that authority in this Power of Attorney or in a Statutory Major Gifts Rider attached to this Power of Attorney. If you have that authority, you must act according to any instructions of the principal or, where there are no such instructions, in the principal's best interest. You may resign by giving written notice to the principal and to any co-agent, successor agent, monitor if one has been named in this document, or the principal's guardian if one has been appointed. If there is anything about this document or your responsibilities that you do not understand, you should seek legal advice.

**Liability of agent:**

The meaning of the authority given to you is defined in New York's General Obligations Law, Article 5, Title 15. If it is found that you have violated the law or acted outside the authority granted to you in the Power of Attorney, you may be liable under the law for your violation.

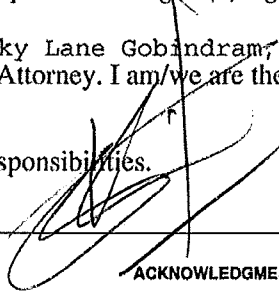
**(o) AGENT'S SIGNATURE AND ACKNOWLEDGMENT OF APPOINTMENT:**

*It is not required that the principal and the agent(s) sign at the same time, nor that multiple agents sign at the same time.*

I/we, Kalash Gobindram; Lucky Lane Gobindram; Successor have read the foregoing Power of Attorney. I am/we are the person(s) identified therein as agent(s) for the principal named therein.

I/we acknowledge my/our legal responsibilities.

Agent(s) sign(s) here: ➔



ACKNOWLEDGMENT

State of New York, County of Nassau

ss:

State of

County of

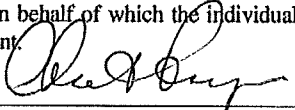
ss:

On August 24, 2010 before me, the undersigned, personally appeared

On before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
(signature and office of individual taking acknowledgment)  
**CHARLES A. SINGER**  
Notary Public, State of New York  
No. 02SI4834150  
Qualified in Nassau County  
Commission Expires January 31, 2014

(signature and office of individual taking acknowledgment)

**AFFIDAVIT THAT POWER OF ATTORNEY IS IN FULL FORCE AND EFFECT**

(Sign before a notary public)

STATE OF

COUNTY OF

ss.:

being duly sworn, deposes and says:

1. The Principal appointed me as the Principal's true and lawful Agent in the within Power of Attorney.
2. I do not have, at the time of this transaction, actual notice of the termination or revocation of the power of attorney, or notice of any facts indicating that the power of attorney has been terminated or revoked;
3. I do not have, at the time of this transaction, actual notice that the power of attorney has been modified in any way that would affect my ability as the agent to authorize or engage in the transaction, or notice of any facts indicating that the power of attorney has been so modified; and
4. I make this affidavit for the purpose of inducing

to accept delivery of the following Instrument(s), as executed by me in my capacity as the Agent, with full knowledge that this affidavit will be relied upon in accepting the execution and delivery of the Instrument(s) and in paying good and valuable consideration therefor:

☐ I am the successor agent; the prior agent is no longer able or willing to serve.

Sworn to before me on

\_\_\_\_\_